

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CRIMINAL ACTION NO.: 04 – 10165RCL

UNITED STATES OF AMERICA)

V.)

TONY TEIXEIRA)
Defendant)

MOTION TO CHANGE SURETY ON DEFENDANT’S RELEASE

Now comes Pedro Teixeira, father of the defendant and requests that the mortgage on his property be discharged, and in its place, a cash bond be issued.

On or about May 9, 2005 the United States of America secured a mortgage on the property of Pedro Teixeira, of 204 Green Street, Brockton, Plymouth County Massachusetts, more particularly described:

A deed from Barbara J. Saunders, formerly known as Barbara J. Johansen, a/k/a Barbara J. Gasse to Pedro Teixeira dated January 21, 1987 and recorded in the Plymouth County Registry of Deeds at Book 7439 Page 033.

This mortgage, in the amount of Sixty Thousand Dollars (\$60,000.00) was to secure due observance, performance of the obligation, terms and conditions on the release of his son Tony Teixeira. (refer to document 50 Case 1:04-cr-10165-RCL filed 05/09/2005). As stated in the Order, a Sixty Thousand Dollar (\$60,000) secured bond was to be executed, to ensure Tony Teixeira’s appearance as ordered by the court.

Pedro Teixeira is requesting that the mortgage of \$60,000, placed on his home at 204 Green Street in Brockton, be discharged and a cash bond in that same amount be placed in lieu. Excluding the manner in which the \$60,000 bond is secured, no other changes to the terms of release of Tony Teixeira are requested.

Taking into account the governments concern that there be no lapse in the financial security over Tony Teixeira, Pedro Teixeira will deliver to the Clerk's Office a cashier's check in the amount of \$60,000, upon receipt of said check, the mortgage will be discharge. This will ensure that at all times during his release, the Government has a minimum of \$60,000 secured bond over Tony Teixeira. Furthermore, the proceeds for the cash bond are derived from the equity in the 204 Green Street Property.

Pedro Teixeira is in the process of refinancing his property and this outstanding mortgage prohibits him from going forward with a new loan. Mr. Teixeira respectfully requests that the court allow him to post a cash bond, in the amount of Sixty Thousand Dollars (\$60,000.00) so that he may clear the title to his house, and discharge the mortgage.

Respectfully submitted
For Pedro Teixeira
By his attorney

/s/ David P. Mullen

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Assented to by:

/s/ Frank D. Camera
Frank D. Camera, Esq.
Attorney for Defendant, Tony Teixeira

CERTIFICATE OF SERVICE

I, David P. Mullen, do hereby certify that on this date I served the forgoing “**MOTION TO CHANGE SURETY ON DEFENDANT’S RELEASE**” upon all parties of record to this action by electronic filing.

Office of the US Attorney
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Boston, MA 02115

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Fall River MA 02720

Dated: December 1, 2006

/s/ David P. Mullen
David P. Mullen